

REMARKS**Claim Objections**

Withdrawal of the objection to claims 9 and 13 is acknowledged. However, claims 9 and 13 are now cancelled since their contents were incorporated into claim 1.

Claims Rejections – 35 U.S.C. §102

Claims 1, 3, 11 and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by Cooper et al., (GB2,165,564A).

Applicants have now amended claim 1 to define the reinforcing mat that is "solid and continuous without apertures therein". The Examiner has acknowledged that Applicants' mat is different from that taught by the Cooper et al. reference which requires an apertured sheet having of 10-50% apertures of the area of the sheet.

The present invention, accordingly, is distinguished over the reference under 35 U.S.C. §102(b). (Claims 3, 11 and 12 are dependent on claim 1 and are to be read with claim 1.)

Support for this amendment of claim 1 may be found, for example, on page 4, section 1 of the specification.

Withdrawal of the rejection of claims 1, 3, 11 and 12 is respectfully requested.

Claim Rejections – 35 U.S.C. §103

Claims 2, 9 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cooper et al. (GB 2,165,564A).

Claims 4-6 are rejected under 35 U.S.C., §103(a) as being unpatentable over Cooper et al. in view of Stierli (U.S. Patent No. 4,442,148).

Claims 7-8 and 13-15 are rejected under 35 U.S.C., §103(a) as being unpatentable over Cooper et al. in view of Walther et al. (U.S. Patent No. 6,319,969).

The rejected claims are dependent on claim 1 to which they directly or indirectly refer. Claims 7, 9 and 13 were cancelled but their contents were incorporated into claim 1 thereby limiting the scope of the invention. Starting with one main difference between the present invention and that disclosed by the references, the present invention claims "a solid and continuous reinforcing mat" as opposed to the Cooper et al. reference which discloses an apertured sheet wherein the apertures cover 10-50% of the area of the sheet. There is no disclosure or suggestion in any of the references to use "a solid and continuous mat without apertures therein". The reason stated in the Cooper et al. reference to use such apertured sheet is to allow water vapor to pass through the deck and escape laterally. The similarities of materials used by the reference and the present invention do not change the fact that the reference sheet is apertured while the reinforcing mat of the present invention is solid, continuous without apertures therein.

Following up with the Cooper et al. reference, the apertures (10-50%) of the waterproofing layer allow passage of the bituminous compound to pass therethrough and adhere to a polymer or to a substrate. Whether the bituminous compound contains a pressure sensitive adhesive or not or possesses pressure-sensitive properties, the bituminous compound does not penetrate through 90 to 50% of the sheet area (10% -50% apertures, 90% - 50% of solid surface). As a result, the two layers of pressure-sensitive and waterproofing bituminous compound of the reference cannot be equated to applicants' adhesive and waterproof asphalt-based adhesive layer as the bituminous compound of the reference does not cover 90% to 50% of the sheet in the reference, while in applicants' invention it covers 100% of the sheet.

In summary,

the Reference	the present invention
1) Sheet is apertured	1) Sheet is solid without apertures
2) Bituminous compound does not pass through 90% to 50% of the sheet	2) Bituminous compound covers 100% of the sheet

As to Stierli (U.S. Patent No. 4,442,148), the references teach and applicants claim a high density polyethylene as a waterproofing sheet. However, applicants use the sheet in a structure that is different from the structure of Cooper et al.

As to Walther et al. (U.S. Patent No. 6,319,969), the reference discloses interpolymer compositions for use in sound management. Additionally, the compositions can be used in the manufacture of fibers, foams, lattices and adhesives.

Applicants have thoroughly studied those parts of the reference which were carefully pointed out by the Examiner that relate to asphalt modifiers and tacky/adhesive agents. The Examiner's effort to point out the relevancy of these parts is acknowledged and appreciated. However, all these parts lack specificity when compared to applicant's claimed invention. There are innumerable possibilities to vary the compositions to suit applicants' purpose. For example, column 12, lines 45-60 discloses a filler loading of 50% and above. The reference, in summary, can prompt a person skilled in the art to experiment with thousand, and possibly millions, of possibilities to arrive at a satisfactory solution. Such experimentation cannot be used as basis in obviousness determination.

Substituting a Walther et al. interpolymer composition in the Cooper et al. bituminous composition would not result in applicants' claimed invention since the interpolymer composition would only cover 10 to 50% of the support sheet as opposed to applicants' structure wherein the coverage of the support sheet is 100%.

Based on this Amendment and Remarks, withdrawal of the rejections of the claims under 35 U.S.C. §103(a) is respectfully requested.

Applicants believe to have advanced the prosecution to a favorable conclusion and, accordingly, respectfully solicit allowance of the pending claims.

Respectfully submitted,

Date: 9/23/03

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